

Call to Order:

The meeting was called to order at 7:30 p.m. Present were Chair, Joan Duff, members Linn Anderson, Jay Doherty, Vincent Chiozzi (arrived at 7:34 p.m.), John McDonnell (arrived at 7:55 p.m.) and associate member Eric Macaux. Also present were Lisa Schwarz, Senior Planner and Jacki Byerley, Planner.

139 River Road (Dunkin Donuts):

The Board opened the public hearing pursuant to Section 9.7 Repetitive Petition of the Zoning By-law the applicant, Andover Dunkin Donuts, Inc. c/o Jatun Management Co., LLC, is applying to the Planning Board to find that specific and material changes in the plan upon which the Zoning Board of Appeals (ZBA) issued their denial have been made. This will allow the applicant to file with the ZBA prior to the two year limitation that prevents an applicant from re-filing for the same project when an unfavorable action has been taken by a Permit Granting Authority. The property is located at 139 River Road, Assessors Map 165 Lot 1C.

Ms. Byerley reviewed her memo to the Board dated February 1, 2012 including a brief overview of the applicant's letter to the Board dated January 17, 2012. Attorney Mark Johnson gave an explanation as to why the applicant is seeking a repetitive petition and the ZBA decision. Attorney Johnson noted that he feels there is a substantial difference in the revised plans and that the Board can find that a repetitive petition does not apply. Attorney Johnson also explained that they may have been premature in requesting the repetitive petition whereas a finding needs to take place by the ZBA prior to the Planning Board hearing the petition. Attorney Johnson requested that the Board proceed with the hearing and determination in hopes that the ZBA would be willing to take the Board's vote into consideration. Ms. Byerley noted that the revised plans have substantially changed which is now less than 40% and does not trigger a Special Permit for a Major Non-Residential Project. On a motion by Mr. Macaux seconded by Ms. Anderson the Board voted to find that the current plan for Dunkin Donuts located at 139 River Road to expand only 200 s.f. of storage area, represented a specific and material changes from the information upon which the ZBA issued it denial. **Vote:** Unanimous (5-0)

Master Plan:

Ms. Schwarz reviewed her memo to the Board dated February 1, 2012 including the chart on the 2nd page with the final changes to the Master Plan. Ms. Schwarz also noted that a disclaimer that the Board discussed at a previous meeting has been added on page 68 and she also reviewed appendix A. Ms. Schwarz noted that the Economic Development Council (EDC) was appointed last week and that Mr. Vale would be the Chair of the EDC. On a motion by Mr. Macaux seconded by Mr. Doherty the board voted to adopt the Master Plan as revised and reflected in Ms. Schwarz memo to the Board dated February 2, 2012. **Vote:** Unanimous (5-0)

Pine Forest Park:

The Board took up the deliberations on an application by Angelo Petrosino for a proposed 11-lot Definitive Subdivision and a Special Permit for Earth Movement entitled Pine Forest Park located off Flash Road, North Reading, MA, Assessors' Map 104 Lot 3.

Ms. Byerley noted the Board has an updated memo dated February 8, 2012, and reviewed a summary to assist the Board with their deliberations.

Pine Forest Park (cont.):

The Board reviewed Ms. Byerley's memo to the Board dated February 14, 2012. Ms. Byerley noted that on page 12 condition # 48 addresses Board of Health and the Fire Departments concerns. Ms. Byerley noted that conditions # 17, 23, 44-47 will address North Reading's concerns and a new condition 50 stating the applicant shall obtain a letter from North Reading would be first responders in an emergency will take of the Fire Departments concerns regarding response times. Mr. Chiozzi suggested the last sentence in condition # 17 be deleted. Following a detailed discussion regarding the emergency access and mutual aid Ms. Anderson suggested making the new condition # 50 part of condition # 17.

Ms. Byerley noted that condition # 22 answers concerns regarding the Homeowners' Association (HOA). Mr. Doherty expressed concerns with the HOA regarding communications with North Reading and the Andover Schools when there is an issue of flooding or a school closure due to weather and the emergency access. The Board discussed flooding, flooding procedures and communication between North Reading, Andover and the Andover Schools and the emergency access. Ms. Byerley noted the existing emergency can be driven on and is used during recent flooding events.

Ms. Byerley reviewed the abutters concerns;

- Regarding traffic and noted the traffic engineer stated the level of service would not change. The use of Roach Circle with the sign "no left turn" at the end of the subdivision and a sign "local traffic only" would alleviate the traffic concerns.
- Busing of Students: The school Department will have a contingency plans for road and school closures.

The Board suggested that the contingency plan be part of the conditions of approval. Ms. Byerley noted that the schools would manage a plan without it being part of the conditions.

- Improvements to Flash Road. Ms. Byerley noted that the applicant abuts a private way which entitles him to make improvements
- Homeowners' Association concerns that HOA could be dissolved. Ms. Byerley noted in condition # 23 prevents the association from being amended or dissolved with Planning Board approval.

The Board reviewed Ms. Byerley memo dated February 8, 2012 page 4 compliance with Section 6.3 Special Permit for Earth Movement and Section 9.4.2 Special Permit Criteria. Mr. Macaux questioned the special permit criteria and boundaries of the discussion for definitive plans. Ms. Byerley noted that criteria refer to special permit to cluster not definitive plans and reviewed the requirements for special permit for earth movement. The Board was in consensus to continue their deliberations until the Feb. 28th meeting.

Adjournment: The meeting was adjourned 9:18 p.m.